

Wednesday, March 25, 2009

House Meets At...	Votes Predicted At...
10:00 a.m. For Legislative Business Fifteen "One-Minutes" Per Side	Last Vote: 4:00 – 5:00 p.m.

**Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.**

### Floor Schedule and Procedure

- **Suspension Bills:** Today, the House will consider several bills on the Suspension calendar. Bills considered on the Suspension calendar are debatable for 40 minutes; may not be amended; and require a two-thirds vote for passage. If a recorded vote is requested, it will be postponed.
  1. **S. 383** - Special Inspector General for the Troubled Asset Relief Program Act of 2009 (Sen. McCaskill – Financial Services)
  2. **S. 520** - To designate the United States Courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse" (Sen. Durbin – Transportation and Infrastructure)
- **H. Res. 280 – Rule providing for consideration of Senate amendments to H.R. 146 – the Omnibus Public Land Management Act of 2009 (Rep. Pingree–Rules):** The closed rule provides for consideration of the Senate amendments to H.R. 146. The rule makes in order a motion by the Chairman of the Committee on Natural Resources to concur in the Senate amendments. The rule provides for one hour of general debate on the motion to be equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Natural Resources. Debate on the rule will be managed by Rep. Pingree, and consideration will proceed as follows:
  - One hour of debate on the rule.
  - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
  - Vote on adoption of the rule. **Democrats are urged to vote yes.**

- **Senate amendments to H.R. 146 – the Omnibus Public Land Management Act of 2009 (Rep. Rahall – Natural Resources)**: Pursuant to the rule, general debate on the motion to concur in the Senate amendments will be managed by Natural Resources Committee Chair Rep. Nick Joe Rahall. Debate on the motion will proceed as follows:
  - One hour of general debate on the Senate amendments.
  - Vote on motion to concur in the Senate amendments. **Democrats are urged to vote YES.**
  
- **H. Res. 281 – Rule providing for consideration of H.R. 1404 – Federal Land Assistance, Management and Enhancement Act (Rep. Polis – Rules)**: The structured rule provides for one hour of general debate on the bill to be equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Natural Resources. The rule makes in order only those amendments printed in the report of the Committee on Rules accompanying the resolution (*a list of these amendments is at the end of today's Daily WhipLine*). Amendments may be offered only in the order listed in the report and may be offered only by the Member designated in the report. The rule further provides for one motion to recommit the bill with or without instructions. Debate on the rule will be managed by Rep. Polis, and consideration will proceed as follows:
  - One hour of debate on the rule.
  - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
  - Vote on adoption of the rule. **Democrats are urged to vote yes.**
  
- **H.R. 1404 – Federal Land Assistance, Management and Enhancement Act (Rep. Rahall – Natural Resources)**: Pursuant to the rule, general debate on the bill will be managed by Natural Resources Committee Chair Rep. Nick Joe Rahall, or his designee. Debate on the bill will proceed as follows:
  - One hour of general debate on the bill.
  - Possible debate and votes on amendments to the bill.
  - Possible debate and vote on Republican motion to recommit the bill.
  - Vote on passage of the bill. **Democrats are urged to vote YES.**
  
- **Postponed Suspension Vote:**
  1. **H.Res. 273** - Recognizing the 188th anniversary of the independence of Greece and celebrating Greek and American democracy (Rep. Ros-Lehtinen – Foreign Affairs)
  
- **Dispose of H.Res. \_\_\_\_\_ - Raising a question of the privileges of the House (Rep. Flake – Privileged Resolution)**

## **Bill Summary & Key Issues**

### **Senate amendments to H.R. 146 – the Omnibus Public Land Management Act of 2009**

This omnibus legislation combines more than 160 individual measures reported by the Senate Energy and Natural Resources Committee during the 110<sup>th</sup> Congress, including 71 bills already passed by the House. The Senate has elected to combine these measures for procedural reasons.

The bill includes measures affecting the National Park Service, Bureau of Land Management, Bureau of Reclamation and U.S. Geological Survey within the Department of the Interior as well as the Forest Service within the Agriculture Department, National Oceanic and Atmospheric Administration within the Commerce Department and the Smithsonian Institution. The package combines wilderness designations, land conveyances and exchanges, river and trail designations, historic preservation measures, and important water settlements.

Among the bill's most prominent individual pieces are wilderness proposals in West Virginia, California, New Mexico, Colorado and Oregon, authorization for the National Landscape Conservation System within the BLM, important forest landscape restoration legislation, the San Joaquin River Restoration Settlement, and the Christopher and Dana Reeve Paralysis Act.

Enactment of H.R. 146 will strengthen our National Park System as it nears its centennial anniversary, improve forest health, facilitate better management of our public lands through authorization of the National Landscape Conservation System and increase the quantity and quality of water provided to numerous local communities. In addition, invaluable historic and cultural resources, including the sacred ground of American battlefields, will receive better protection under this legislation.

Each of these bills is an important accomplishment for its sponsor and the constituents who support it; taken as a whole, this package is truly landmark legislation which will improve the quality of life for millions of people in communities across the country.

The text of H.R. 146 is virtually identical to the text of S. 22 which was previously considered by the House.

### **H.R. 1404 – Federal Land Assistance, Management and Enhancement Act**

For more than a decade, the skyrocketing costs of fighting wildland fires have forced federal land management agencies to “borrow ” funds from non-fire programs, thus eroding the core mission of these agencies. Wildland fire activities now account for approximately 48 percent of the Forest Service budget. Projections indicate that this trend will continue into the foreseeable future as a result of drought, climate change and other factors.

H.R. 1404 establishes a federal FLAME fund for catastrophic, emergency wildland fire suppression activities to be used when annually appropriated funds run out. The FLAME Fund is to be used only for suppression of catastrophic, emergency wildland fires and only after the Secretary of Interior or Agriculture issues a specific declaration that the fire is large enough and dangerous enough to warrant tapping the fund.

The FLAME Fund would be available for catastrophic emergency wildland fire suppression activities on State and private land and would also be available for Indian tribes.

Section 3 of the FLAME Act requires the Secretary of the Interior and the Secretary of Agriculture to submit a report to Congress one year after enactment containing a cohesive wildland fire management strategy. The Government Accountability Office (GAO) has found that the federal land management agencies lack such a strategy and the USDA Inspector General found that the Forest Service lacks a system to ensure that the highest priority fuels reduction projects are being funded first. Therefore, the FLAME Act requires the report to address the GAO and Inspector General recommendations.

The bill also requires that annual reports on the FLAME Fund are made available to the public; requires the Secretaries to conduct a review of wildland fire incidents that result in expenses greater than \$10,000,000; and requires the Secretaries to notify Congress whenever the FLAME Fund drops to a level estimated to cover just two months worth of expenditures.

The Senate companion measure to the FLAME Act was introduced by Senate Energy and Natural Resources Committee Chairman Jeff Bingaman and Ranking Member Lisa Murkowski. Furthermore, President Obama included funding that compliments the FLAME Act in his Fiscal Year 2010 budget request.

The FLAME Act is supported by the five living former Chiefs of the Forest Service, the Western Governors' Association, the American Forest and Paper Association, the National Association of State Foresters, the National Association of Counties, members of the Rural Voices for Conservation Coalition, the National Federation of Federal Employees, the Wilderness Society, the National Parks Conservation Association, and almost 40 other organizations.

#### **Amendments to H.R. 1404 – Federal Land Assistance, Management and Enhancement Act:**

1. **Rahall (WV)**, Would strike from the bill the Sense of Congress language on the designation of Flame Fund appropriations as emergency spending.  
(10 minutes)
2. **Perlmutter (CO)**, Would clarify that authorized suppression activities for the Flame Fund include containment activities in response to crisis insect infestations to reduce the likelihood of wildfires.  
(10 minutes)

3. **Polis (CO)**, Would require revisions of the cohesive wildland fire management strategy at least once every five years.  
(10 minutes)
4. **Hastings, Doc (WA)**, Would require advance notice, in writing, to adjacent landowners whenever the Department of Agriculture sets a prescribed fire on National Forest System land.  
(10 minutes)
5. **Hastings, Doc (WA)**, Would require the review of certain wildfires specified in the bill to include an assessment of what actions, if any, could have been taken in advance of the fire that may have prevented the fire or at least reduced the severity of the fire.  
(10 minutes)
6. **Hastings, Doc (WA)**, Would require the review of certain wildfires specified in the bill to include an assessment of the quantity of greenhouse gases produced as a result of the fire.  
(10 minutes)
7. **Heinrich (NM)**, Would require the cohesive wildland fire management strategy required in the bill to include among its elements a system to assess the impacts of climate change on the frequency and severity of wildland fire.  
(10 minutes)
8. **Minnick (ID)**, Would require that the Secretaries, in considering severity of and threat posed by a fire for the purposes of determining whether to declare that a wildland fire suppression activity is eligible for funding from the Flame Fund, take into account areas where insect infestation has created an extreme risk for wildfire.  
(10 minutes)
9. **Luján (NM)/Markey, Betsy (CO)/Connolly (VA)**, Would require the cohesive wildland fire management strategy required in the bill to include among its elements a system to study the effects of invasive species on wildland fire risk. Would add to the list of eligible uses for cost-share grants provided for in the bill implementation of fire-safety programs focused on the eradication or control of invasive species.  
(10 minutes)
10. **Matheson (UT)**, Would require the cohesive wildland fire management strategy required in the bill to include among its elements a plan, developed in coordination with the National Guard Bureau, to maximize the use of National Guard resources to fight wildfires.  
(10 minutes)

- 11. Roskam (IL)**, Would prohibit obligation of funds in the Flame Fund until 30 days after the submission by the Secretaries of the Interior and Agriculture of an initial estimate of anticipated wildfire suppression costs for the current and following fiscal year.  
(10 minutes)
- 12. Kirkpatrick (AZ)**, Would amend the definition of "fire-ready community" in the bill to provide that a community satisfies the definition if it is located within a priority area identified by the fire risk maps required by the bill, and meets two of the other four criteria listed in the bill for "fire-ready communities."  
(10 minutes)
- 13. Goodlatte (VA)**, Would authorize the Secretary of Agriculture to enter into contracts or cooperative agreements with a State Forester to prepare and implement "good neighbor" projects on National Forest System land to complement any similar project being performed on bordering or adjacent non-Federal land. Would provide that the decision to proceed with a good neighbor project is in the Secretary's sole discretion. Defines good neighbor projects to include certain fuels reduction projects.  
(10 minutes)

**Quote of the Day**

"We don't accomplish anything in this world alone... and whatever happens is the result of the whole tapestry of one's life and all the weavings of individual threads from one to another that creates something."

- Sandra Day O'Connor